
Introduced by Senator Machado

February 22, 2005

An act to amend Sections 11316 and 11336 of the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

SB 747, as introduced, Machado. Private railroad car tax.

The Private Railroad Car Tax Law requires the State Board of Equalization to assess private railroad cars, as specified, at their full value, and imposes a tax as prescribed by that law. That law provides for estimated and escape assessments and reassessments, as provided.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11316 of the Revenue and Taxation
2 Code is amended to read:
3 11316. If the board makes an assessment pursuant to Section
4 11311, 11314, or 11315 due to the negligence of the taxpayer, a
5 penalty of 10 percent of the value of the estimated or escape
6 assessment shall be added to the assessment. If the estimated or
7 escape assessment is due to a fraudulent or willful attempt to
8 evade the tax, a penalty of 25 percent of the value of the
9 estimated or escape assessment shall be added to the assessment.
10 A willful failure to file a report as required by Article 2
11 (commencing with Section 11271) of this chapter shall be
12 deemed to be a willful attempt to evade the tax.

1 If the assessee establishes to the satisfaction of the board that
2 the failure to file an accurate property statement was due to
3 reasonable cause and occurred notwithstanding the exercise of
4 ordinary care and the absence of willful neglect, the board shall
5 order the penalty abated, provided the assessee has filed with the
6 board written application for abatement of the penalty within the
7 time prescribed by law for filing a ~~declaration of intent to~~ petition
8 for reassessment.

9 SEC. 2. Section 11336 of the Revenue and Taxation Code is
10 amended to read:

11 11336. On or before August 1 the board shall complete the
12 assessment of all property required to be assessed and shall
13 notify the assessee thereof. This notice shall include an
14 announcement of the statutory period during which, and the place
15 at which, ~~a declaration of intent to petition for reassessment and~~
16 a petition for reassessment may be filed.